

10191/821

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Holger Bellmann et al.

Serial No. : 09/166,496

Filing Date : October 5, 1998

For : CONTROL DEVICE FOR A SYSTEM, AND  
METHOD FOR OPERATING THE CONTROL  
DEVICE

Examiner : Brian Broadhead

Group Art Unit : 3661

Confirmation No. : 9214

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**AUG 31 2004**

**GROUP 3600**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

Date: August 23, 2004

Reg. No. 36,197

Signature: \_\_\_\_\_

Jong H. Lee

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE OFFICE ACTION (MPEP 711.03(c)II)**

SIR:

Applicants hereby petition the Patent Office to withdraw the holding of abandonment of the above-identified application on the grounds that the original Office Action mailed on December 16, 2003 was never received from the Patent Office. In the "Notice of Abandonment" mailed on July 27, 2004, Examiner Brian Broadhead of the Patent Office indicated that the above-identified application was abandoned because no reply to the Office Action dated December 16, 2003 was submitted. In response, the undersigned attorney submits the present "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action."

The undersigned attorney hereby states that the Office Action mailed on December 16, 2003 was not received by Kenyon & Kenyon, and that a search of the file jacket and docket records indicates that the Office Action mailed on December 16, 2003 was not received by Kenyon & Kenyon. Attached to this Petition is a copy of the file-jacket data sheet on which the non-received Office Action mailed on December 16, 2003 would have been entered had it been received and docketed. Also attached to this Petition is a copy of a log showing all incoming mails received from the Patent Office for the relevant period (12/17/03 - 12/31/03) following the mailing of the Office Action on December 16, 2003 by Examiner Brian Broadhead who is in charge of examining the above-identified application. In addition, docket sheets showing all docketed due-date entries for March 16, 2004 (the three-month due date for responding to the Office Action mailed on December 16, 2003) are also attached. The attached file-jacket data sheet, the incoming mail log and the docketed due-date entries for March 16, 2004 all indicate that the Office Action mailed on December 16, 2003 was not received. Accordingly, a favorable decision on this Petition is respectfully requested.

No fee is believed to be due, but the Commissioner is hereby authorized to charge any necessary fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned to discuss any matter regarding this petition.

Respectfully submitted,

Date: August 27, 2004

By: 

Jong H. Lee, Reg. No. 36,197

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